

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ALONZO JOHNSON, JR.,	:	Case No. 1:20-cv-248
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Stephanie K.
	:	Bowman
UNITED STATES CONGRESS,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE (Doc. 2)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and, on April 6, 2020, submitted a Report and Recommendation, recommending that the Court deny Plaintiff's motion to proceed *in forma pauperis*, because Plaintiff has violated 28 U.S.C. § 1915(g)'s three strikes rule. (Doc. 2). Plaintiff has filed untimely objections.¹ (Doc. 3).

¹ Plaintiff's objections are not well-taken. Plaintiff appears to argue that, regardless of whether he has violated 28 U.S.C. § 1915(g)'s three strikes rule, the Court should allow him to proceed *in forma pauperis*, because he is in imminent danger of physical injury. (Doc. 3 at 1–2). 28 U.S.C. § 1915(g) does contain a “safety valve,” which allows a plaintiff to file a complaint *in forma pauperis*, when the plaintiff faces imminent danger. *Bloodworth v. Mohr*, No. 1:16-cv-1049, 2016 WL 6829647, at *2 (S.D. Ohio Nov. 21, 2016) (citation omitted). However, as the Magistrate Judge has already explained, Plaintiff does not qualify for the “imminent danger” exception. (Doc. 2 at 3). Plaintiff’s complaint does not contain any particular allegations, showing that Plaintiff faces any impending harm. (*Id.*; *see also* Doc. 1-1). And, while Plaintiff’s objections contain the conclusory assertion that Plaintiff has faced both police “brutali[zation]” and other harms in the past, (Doc. 3 at 2), a plaintiff’s conclusory assertion that he has “faced danger in the past is insufficient to invoke the [‘imminent danger’] exception.” *Rittner v. Kinder*, 290 F. App’x 796, 797 (6th Cir. 2008). Plaintiff’s objections are **overruled**.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court finds that the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly:

1. The Report and Recommendation (Doc. 2) is **ADOPTED** in its entirety;
2. Plaintiff's objections (Doc. 3) are **OVERRULED** in their entirety;
3. Plaintiff's motion to proceed *in forma pauperis* (Doc. 1) is **DENIED**;
4. Within thirty (30) days of the date of this Order, Plaintiff **SHALL** pay the full \$400 fee (\$350 filing fee plus \$50 administrative fee) required to commence this action;
5. Plaintiff **SHALL** take notice that his failure to pay the full \$400 fee within thirty (30) days of the date of this Order will result in the dismissal of his action; and
6. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would not be taken in good faith and, therefore, this Court **DENIES** Plaintiff leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 5/8/2020

s/Timothy S. Black
Timothy S. Black
United States District Judge